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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,847	06/26/2003	Sandeep P. Golikeri	BA0346.2C (NORT10-00324)	5746
33000	7590	03/17/2008	EXAMINER	
DOCKET CLERK				
P.O. DRAWER 800889				
DALLAS, TX 75380				
			ART UNIT	PAPER NUMBER
			2619	
			MAIL DATE	DELIVERY MODE
			03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/606,847

Applicant(s)

GOLIKERI ET AL.

Examiner

BRIAN T. O'CONNOR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment filed on 12/10/2007.
2. Claims 1-79 have been cancelled. Claims 80-97 are currently pending.
3. Due to applicant's amendment of the abstract, the objection to the specification is withdrawn.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 80-93 are rejected on the ground of nonstatutory double patenting over claims 1, 2, 5, 7, 9, 14, 15, 49, 50, 54, 55, 59, and 60 of U. S. Patent No. 6,597,700 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

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With respect to claim 80, claim 80 recites every feature in claim 1 of U. S. Patent No. 6,597,700 and is broadened by using the legal term “comprising” on line 3. It is well settled that broadening the scope of claims would have been obvious to one of ordinary skill in the art in view of the narrower issued claim. In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982) and In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).

With respect to claim 81, claim 80 recites every feature in claim 2 of U. S. Patent No. 6,597,700.

With respect to claim 82, claim 82 recites every feature in claim 5 of U. S. Patent No. 6,597,700.

With respect to claim 83, claim 83 recites every feature in claim 7 of U. S. Patent No. 6,597,700.

With respect to claim 84, claim 84 recites every feature in claim 9 of U. S. Patent No. 6,597,700.

With respect to claim 85, claim 85 recites every feature in claim 14 of U. S. Patent No. 6,597,700.

With respect to claim 86, claim 86 recites every feature in claim 15 of U. S. Patent No. 6,597,700.

With respect to claim 87, claim 87 recites every feature of claim 49 of U. S. Patent No. 6,597,700, however claim 87 is for a module and claim 49 is for a method.

One of ordinary skill in the art would realize a module is required to implement to method of claim 49.

In addition claim 87 is broadened by using the legal term “means for” on lines 3, 5, 7, 10, 12, and 14. It is well settled that broadening the scope of claims would have been obvious to one of ordinary skill in the art in view of the narrower issued claim. In re Van

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Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982) and *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).

With respect to claim 88, claim 88 recites every feature in claim 50 of U. S. Patent No. 6,597,700.

With respect to claim 89, claim 89 recites every feature in claim 54 of U. S. Patent No. 6,597,700.

With respect to claim 90, claim 90 recites every feature in claim 54 of U. S. Patent No. 6,597,700.

With respect to claim 91, claim 91 recites every feature in claim 55 of U. S. Patent No. 6,597,700.

With respect to claim 92, claim 92 recites every feature in claim 59 of U. S. Patent No. 6,597,700.

With respect to claim 93, claim 93 recites every feature in claim 60 of U. S. Patent No. 6,597,700.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 94-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa (US 5,222,064; cited in IDS dated 03/01/2004) in view of Jain et al. (US 5,737,601; hereafter Jain).

With respect to claim 94, Sagawa discloses a method to manage addresses by a module (61 of Figure 2) or apparatus in a communication system (1 of Figure 2) with multiple interconnected modules (62, 63 of Figure 2) containing the steps of receiving a data packet (7C, 7D, 7E of Figure 4) having a source address (7D of Figure 4) from a communication device (column 1, lines 67-68; 21 of Figure 2; where a communication device must send the frame to the module); then adding the source address to a local address database (5A of Figure 1; column 2, lines 4-7); then periodically checking each address in the address database to see if a certain period of time has elapsed without the address re-appearing in received frames (column 4, lines 43-52; where the address is obsolete and removes if the period of time exceeds a certain value). The system of Sagawa contains a first module (61 of Figure 2) with a local address database (5A of Figure 1) which must contain locally owned address entries. A second module (62 of Figure 2) is connected to the first module by a trunk line LAN (1 of Figure 2) and contains a local address database (5A of Figure 1) that is remote to the first module and must contain remotely owned address entries.

Sagawa fails to disclose when a change is made to the local address database by adding or deleting an entry then a message is sent to remote database in one of the interconnected modules to perform the same addition or deletion to the remote database.

Jain discloses two databases which are synchronized by a method of triggers; triggers are associated with changes (inserts or deletes) to a local database and cause a message (deferred remote procedure call or DRPC) to be sent to a remote database to perform the same change (column 5, lines 47-52; column 6, lines 54-62; column 13, line 62 – column 14, line 26).

Every feature of the claim is taught by Sagawa and Jain, the only change for these references is to combine them so that the local address database in the first and second module of Sagawa are updated in the manner as taught by Jain.

Thus, it would have been obvious to one possessing ordinary skill in the art at the time of the invention to add the database triggers and DRPC calls as taught by Jain to the first and second modules of Sagawa, because a synchronized set of tables would be beneficial to the operation of the LAN modules. Also that timed out entries of updating of the tables (databases) in the first and second modules is not halted by adding database triggers and DRPC calls; thus the database triggers and DRPC calls could be used in combination with the first and second module's databases to achieve a predictable result of updated both locally and remotely owned address entries automatically.

With respect to claim 95, Sagawa fails to disclose a database control message containing an identifier for the module.

Jain discloses that the DRPC or control message has a name corresponding to the table being modified. One of ordinary skill in the art would realize the benefit of naming local table with an identifier for the module.

Jain realizes the benefit of keeping all changes maintained across multiple database (column 6, lines 30-32). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Jain with the method of Sagawa.

With respect to claim 96, Sagawa fails to disclose a remote module commanding changes (inserts or deletes) to the local database.

Jain discloses the method as described previously including the steps of either database triggering changing in the other database with DRPCs (column 5, lines 47-52; column 6, lines 54-62; column 13, line 62 – column 14, line 26).

Jain realizes the benefit of keeping all changes maintained across multiple database (column 6, lines 30-32). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Jain with the method of Sagawa.

With respect to claim 97, Sagawa further disclose a timer is used to check the time or age of an entry in the address database (column 4, lines 43-52).

Response to Arguments

8. Applicant's arguments filed on 12/10/2007 have been fully considered but they are not persuasive.

A) Applicant argues with respect to claim 94, on page 16, that "Sagawa does not disclose that the second module contains address entries that are 'local' to the first module".

The Examiner maintains the 35 USC 103(a) rejection because Sagawa discloses a first module and a second module in the LAN and that each module is has local entries and remote entries for addresses, i.e. the first module is remote to the second module and must be remote entries.

B) Applicant argues with respect to claim 94, on page 17, that concerning Jain: "No disclosure of or delineation between locally owned addresses or remotely owned addresses is discussed".

The Examiner maintains the 35 USC 103(a) rejection because Sagawa was cited as disclosing a first module and a second module in the LAN and that each module is has local entries and remote entries for addresses, i.e. the first module is remote to the second module and must be remote entries.

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

C) Applicant argues with respect to claim 94, on page 17, that "there is no teaching or suggestion to combine Jain's replication of inventory and customer order information (data) with Sagawa's communication bridge apparatus".

The Examiner maintains the 35 USC 103(a) rejection because a person having ordinary skill in the art possesses the practical knowledge to determine why some combinations would have been obvious even when others would not. See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S., 2007 U.S. LEXIS 4745, 2007 WL 1237837, at ¶12 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."). The benefit of synchronizing the tables (databases) in the modules of Sagawa with the method as taught by Jain would be recognized by one of ordinary skill in the art.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

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event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN T. O'CONNOR whose telephone number is (571)270-1081. The examiner can normally be reached on 9:00AM-6:30PM, M-F, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BTO/
Brian T. O'Connor
March 4, 2008
Patent Examiner

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619